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10 *Attorneys for Plaintiff*

11
12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14
15 **SPEECH TRANSCRIPTION, LLC**

16 Plaintiff,

17 **Case No.**

18 v.

19 **Jury Trial Demanded**

20 **SONDREL, INC.,**

21 Defendants.

22
23 **ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

24 Plaintiff Speech Transcription, LLC (“Plaintiff”) files this complaint
25 against Sondrel, Inc. (“Defendant”), for infringement of United States Patent No.
26 8,938,799 (hereinafter “the ’799 Patent”), and alleges as follows:

27 **PARTIES**

28 1. Plaintiff is a Wyoming limited liability company having an address at 1
East Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

2. Upon information and belief, Defendant has a business at 2445 Augustine
Drive, Suite 289, Santa Clara, California, 95054.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. §
271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal
Question) and 1338(a) (Patents).

5. This Court has personal jurisdiction over Defendant. Defendant has
continuous and systematic business contacts with the State. Defendant transacts
business within this District. Further, this Court has personal jurisdiction over
Defendant based on its commission of one or more acts of infringement of Patents in
this District and elsewhere in the State.

USA and Canada

Sondrel Inc.
Suite 289
2445 Augustine Drive,
Santa Clara
California
95054

Figure 1 - Excerpt from Sondrel website as last visited on August 12, 2023, at
<https://www.sondrel.com/contact>.

6. Defendant directly conducts business extensively throughout the State of
Texas, by distributing, making, using, offering for sale, selling, and advertising
(including the provision of interactive web pages; the provision and support of

1 physician networks; the provision and support of customer accounts; and further
2 including maintaining physical facilities) its services in the State and in this District.
3 Defendant has purposefully and voluntarily made its business services, including the
4 infringing systems and services, available to residents of this District and into the
5 stream of commerce with the intention and expectation that they will be purchased
6 and/or used by consumers in this District.
7
8

9 7. On information and belief, Defendant maintains physical brick-and-
10 mortar business locations in the State and within this District, retains employees
11 specifically in this District for the purpose of servicing customers in this District, and
12 generates substantial revenues from its business activities in this District.
13

14 8. Venue is proper in this district as to Defendant pursuant to at least 28
15 U.S.C. §§ 1391(c)(2) and 1400(b). As noted above, Defendant maintains a regular and
16 established business presence in this District.
17

18 **PATENT-IN-SUIT**

19 9. Plaintiff is the sole and exclusive owner, by assignment, of U.S. Patent
20 No. 8,938,799 (hereinafter “’799 Patent”). The ’799 Patent is attached as Exhibit A.
21

22 10. The ’799 Patent is valid, enforceable, and was duly issued in full
23 compliance with Title 35 of the United States Code.
24

25 11. Plaintiff possesses all rights of recovery under the ’799 Patent, including
26 the exclusive right to recover for past, present and future infringement.
27

28 12. The priority date of the ’799 Patent is at least as early September 14, 2004.
29

1 As of the priority date, the inventions as claimed were novel, non-obvious,
2 unconventional, and non-routine.

3 13. Plaintiff alleges infringement on the part of Defendant of the '799 Patent.

4 14. The '799 Patent relates generally to a unified security management system
5 and related apparatus and methods for protecting endpoint computing systems and
6 managing, providing, and obtaining security functions. *See Abstract, '799 Patent.* The
7 endpoint devices may be of different forms such as desktop PC, laptop, a workstation,
8 PDA, cell phone, smartphone, set-top box, et cetera. In one embodiment, a subsystem
9 related to an endpoint is used to support a unified security management system, with
10 the subsystem providing an open platform for repository of defense functions from any
11 participating vendors' software modules.

15 15. As noted, the claims of the '799 Patent have priority to at least September
16 14, 2004. The deficiencies in the state of the art as of the Date of Invention were highly
17 problematic. Attacks on computer systems have advanced in variety and sophistication.
18 *See '799 Patent at 1:30-31.* Conventionally, the deployment of defense functions in
19 enterprise networks can be network-based or host-based, or both. The host-based
20 deployment requires multiple defense function software modules to be installed in each
21 host. The deployment of immunization functions is generally host- based and requires
22 an agent to be installed in each host for each supported immunization function.
23 Consequently, a deployed security infrastructure consisting of multiple defense and
24 immunization functions may burden the host with multiple defense function software
25 26
27 28

1 and a number of agents for supporting the corresponding immunization functions. This
2 situation may create software conflict and registry corruption issues in the host and
3 cause end-user productivity loss and unnecessary IT labor cost for testing and
4 validation, which may be exacerbated as the software upgrade/patch incidences for
5 security functions and operating system increase. It may also create issues such as
6 performance degradation and security vulnerability where security functions may be
7 disabled by malware or human carelessness. In addition, the aforementioned multiple
8 defense and immunization functions are managed by multiple vendors' management
9 systems. The resulting heterogeneous environment gives rise to duplicated processes
10 and technical and management complexity, leading to high total-cost-of-ownership
11 (TCO) and low return-on-investment (ROI). *See* '799 Patent at 3:49-67.

15 16. In addition, the vast majorities of residential internet users generally do
16 not have sufficient knowledge on computer security, and thus are unlikely to have
17 adequate security protection. Another observation is that the user may experience
18 disruptions that require retries and/or reboots during a security function download, and
19 computer behavior changes after the download. Another observation is that it is
20 generally costly to acquire an adequate number of defense and immunization functions.

21 22 *Id.* at 4:38-46.

23 24 17. One practical aspect of security for the residential user is the need to
25 subscribe to and pay for multiple security services. Billing and user payments are
26 largely handled via separate subscriptions, separate bills, and separate payment
27
28

1 processes. Another observation is that numerous security vendors in the marketplace
2 are available to provide various solutions to counter various security threats. These
3 vendors desire exposure to potential markets. Users desire exposure to information
4 about available security products that may be subscribed to or otherwise obtained.
5
6 Despite the existence of information sources on the Internet and elsewhere, the
7 necessary processes of identifying desirable vendors and products are inconvenient and
8 often time consuming. *Id.* 4:50-63.

10 18. Password management is integral to overall endpoint security, and is
11 associated with many unmet needs, both for residential users and especially for
12 enterprise endpoint users and IT managers. It is difficult for end users to remember
13 numerous and periodically changing sets of passwords/user IDs, and so end users
14 oftentimes choose not to conform to security policy or practice and instead, for
15 example, write passwords/user IDs information down on a post-on or into a computer
16 file. For end users who do conform to good security practice, may forget their
17 passwords and/or user IDs, and they must typically call a helpdesk and request a
18 password reset in order to re-enter applications, or they must via other means obtain a
19 new password/user ID pair. This process reduces end user productivity and adds an
20 extra load and cost to already burdened helpdesk. *See* '799 Patent at 4:66 – 5:13.
21
22

23 19. The claims of the '799 Patent overcome deficiencies existing in the art as
24 of the date of invention, and comprise non-conventional approaches that transform the
25 inventions as claimed into substantially more than mere abstract ideas.
26
27
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1 20. The claims of the '799 Patent are not drawn to laws of nature, natural
2 phenomena, or abstract ideas. The specific combinations of elements, as recited in the
3 claims, was not conventional or routine at the time of the invention.
4

5 21. Further, the claims of the '799 Patent contain inventive concepts which
6 transform the underlying non-abstract aspects of the claims into patent-eligible subject
7 matter.
8

9 22. The '799 Patent was examined by Primary United States Patent Examiner
10 Aravind Moorthy. During the examination of the '799 Patent, the United States Patent
11 Examiner searched for prior art in the following US Classifications: G06F 211604
12 (2013.01); G06F 21/564 (2013.01); G06F 21/577 (2013.01); G06F 21/56 (2013.01);
13 G06F 21/64 (2013.01); H04L 63/1416 (2013.01); H04L 63/1408 (2013.01); H04L
14 63/1441 (2013.01); G06F 21/57 (2013.01).
15
16

17 23. After conducting a search for prior art during the examination of the '799
18 Patent, the United States Patent Examiner identified and cited US 7,058,796 as the most
19 relevant prior art reference.
20

21 24. After giving full proper credit to the prior art and having conducted a
22 thorough search for all relevant art and having fully considered the most relevant art
23 known at the time, the United States Patent Examiner allowed all of the claims of the
24 '799 Patent to issue. In so doing, it is presumed that Examiner Moorthy used his
25 knowledge of the art when examining the claims. *K/S Himpp v. Hear-Wear Techs.,*
26 *LLC*, 751 F.3d 1362, 1369 (Fed. Cir. 2014). It is further presumed that Examiner
27
28

1 Moorthy had experience in the field of the invention, and that the Examiner properly
2 acted in accordance with a person of ordinary skill. *In re Sang Su Lee*, 277 F.3d 1338,
3 1345 (Fed. Cir. 2002). In view of the foregoing, the claims of the '799 Patent are novel
4 and non-obvious, including over all non-cited art which is merely cumulative with the
5 referenced and cited prior art. Likewise, the claims of the '799 Patent are novel and
6 non-obvious, including over all non-cited contemporaneous state of the art systems and
7 methods, all of which would have been known to a person of ordinary skill in the art,
8 and which were therefore presumptively also known and considered by Examiner
9
10 Moorthy.

13 25. The claims of the '799 Patent were all properly issued, and are valid and
14 enforceable for the respective terms of their statutory life through expiration, and are
15 enforceable for purposes of seeking damages for past infringement even post-
16 expiration. *See, e.g., Genetics Institute, LLC v. Novartis Vaccines and Diagnostics,*
17 *Inc.*, 655 F.3d 1291, 1299 (Fed. Cir. 2011) (“[A]n expired patent is not viewed as
18 having ‘never existed.’ Much to the contrary, a patent does have value beyond its
19 expiration date. For example, an expired patent may form the basis of an action for
20 past damages subject to the six-year limitation under 35 U.S.C. § 286”) (internal
21 citations omitted).
22
23

25 26. The nominal expiration date for the claims of the '799 Patent is no earlier
26 than June 7, 2033.

ACCUSED INSTRUMENTALITIES

1 27. On information and belief, Defendant sells, advertises, offers for sale,
 2 uses, or otherwise provides exemplary products, including at least Sondrel's SFA100.

3 The defendant's product SFA 100 ("Product") is an IP reference platform with an onboard Arm CPU for managing
 4 and providing security for endpoint devices. The Product provides multilayered endpoint security.

5 **Features**

6 **SFA 100 was created to demonstrate a Sondrel reference SoC design for low-range IoT**
 7 **devices. These devices are targeted at the market requiring low power such as battery-**
 8 **powered endpoint devices and wireless communication.**

9 Source: <https://www.sondrel.com/assets/media/sfa-100-datasheet.pdf>

10 The SFA 100 provides the ability to integrate a machine-learning engine onto a low cost, low power edge
 11 device and is based on the Arm® Corstone™-300 subsystem that ensures a very high level of security. It
 12 consists of an Arm Cortex®-M55 with secure boot with cryptographic algorithm accelerators and supports
 13 TrustZone® and CryptoCell™ for additional security for the onward processed data. Also included is the Arm
 14 Ethos™-U55 Machine Learning (ML) processor that provides a 480x uplift in ML performance. This powerful,
 15 combined processing capability enables the endpoint device to perform a variety of 'smarts' such as voice
 activation, image classification, gesture recognition, filtering, inference and tracking depending on the
 application. If these need more memory, it can easily be scaled up via the DRAM interface.

16 Source: <https://www.sondrel.com/newsroom/ip-platform-for-intelligence-gathering-chips-at-the-edge-Sondrel-SFA-100%20>

18 ***Figure 2 – Excerpts from Sondrel's SFA100 infringement chart. See Exhibit B.***

20 The foregoing is referred to as the "Accused Instrumentalities."

22 **COUNT I**
 23 **(INFRINGEMENT OF UNITED STATES PATENT NO. 8,938,799)**

24 28. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 27, the
 25 same as if set forth herein.

27 28. This cause of action arises under the patent laws of the United States and,
 28 in particular under 35 U.S.C. §§ 271, *et seq.*

1 29. Defendant has knowledge of its infringement of the '799 Patent, at least
2 as of the service of the present complaint.

3 30. The '799 Patent is valid, enforceable, and was duly issued in full
4 compliance with Title 35 of the United States Code.

5 31. Upon information and belief, Defendant has infringed and continues to
6 infringe one or more claims, including at least Claim 22, of the '799 Patent by
7 manufacturing, using, importing, selling, offering for sale, and/or providing (as
8 identified in the Claim Chart attached hereto as Exhibit B) the Accused
9 Instrumentalities which infringe at least Claim 22 of the '799 Patent. Defendant has
10 infringed and continues to infringe the '799 patent either directly or through acts of
11 contributory infringement or inducement in violation of 35 U.S.C. § 271.

12 32. Defendant also has and continues to directly infringe, literally or under the
13 doctrine of equivalents, at least Claim 22 of the '799 Patent, by having its employees
14 internally test and use these exemplary Accused Instrumentalities.

15 33. The service of this Complaint, in conjunction with the attached claim chart
16 and references cited, constitutes actual knowledge of infringement as alleged here.

17 34. Despite such actual knowledge, Defendant continues to make, use, test,
18 sell, offer for sale, market, and/or import into the United States, products that infringe
19 the '799 Patent. On information and belief, Defendant has also continued to sell the
20 exemplary Accused Instrumentalities and distribute product literature and website
21 materials inducing end users and others to use its products in the customary and
22

1 intended manner that infringes the '799 Patent. *See Exhibit B* (extensively referencing
2 these materials to demonstrate how they direct end users to commit patent
3 infringement).

4 35. At least since being served by this Complaint and corresponding claim
5 chart, Defendant has actively, knowingly, and intentionally continued to induce
6 infringement of the '799 Patent, literally or by the doctrine of equivalents, by selling
7 exemplary Accused Instrumentalities to their customers for use in end-user products in
8 a manner that infringes one or more claims of the '799 Patent.

9 36. Exhibit B includes at least one chart comparing the exemplary '799 Patent
10 Claims to the exemplary Accused Instrumentalities. As set forth in this chart, the
11 exemplary Accused Instrumentalities practice the technology claimed by the '799
12 Patent. Accordingly, the exemplary Accused Instrumentalities incorporated in this
13 chart satisfy all elements of at least Claim 22 of the '799 Patent.

14 37. Plaintiff therefore incorporates by reference in its allegations herein the
15 claim chart of Exhibit B.

16 38. Plaintiff is entitled to recover damages adequate to compensate for
17 Defendant's infringement.

18 39. Defendant's actions complained of herein will continue unless Defendant
19 is enjoined by this court.

20 40. Defendant's actions complained of herein are causing irreparable harm
21 and monetary damage to Plaintiff and will continue to do so unless and until Defendant
22

1 is enjoined and restrained by this Court.

2 41. Plaintiff is in compliance with 35 U.S.C. § 287.

3 **DEMAND FOR JURY TRIAL**

4 42. Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a
5 trial by jury of any issues so triable by right.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff asks the Court to:

8 10 (a) Enter judgment for Plaintiff on this Complaint on all causes of action
9 asserted herein;

10 12 (b) Enter an Order enjoining Defendant, its agents, officers, servants,
11 employees, attorneys, and all persons in active concert or participation with Defendant
12 who receive notice of the order from further infringement of United States Patent No.
13 15 8,938,799 (or, in the alternative, awarding Plaintiff running royalties from the time of
14 17 judgment going forward);

18 19 (c) Award Plaintiff damages resulting from Defendant's infringement in
20 21 accordance with 35 U.S.C. § 284;

22 23 (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

24 25 (e) Award Plaintiff such further relief to which the Court finds Plaintiff
26 entitled under law or equity.

27 28 Dated: August 12, 2023

Respectfully served,
GARTEISER HONEA, PLLC

/s/ Randall Garteiser

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